

EXHIBIT M
DEFENDANTS'
VERDICT FORM

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Midas Green Technologies, LLC,

Plaintiff,

- vs. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Renewables LLC;

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

DEFENDANTS' [PROPOSED] VERDICT FORM

**IT IS VERY IMPORTANT THAT YOU FOLLOW THE INSTRUCTIONS PROVIDED IN
THIS VERDICT FORM**

**READ THEM CAREFULLY AND ENSURE THAT YOUR VERDICT COMPLIES WITH
THEM**

We, the jury, unanimously agree to the following answers and return them as our verdict in this case.

Question 1: Direct Infringement

Directions: In answering Question 1 below, please select one (1) option for each listed claim. You must answer as to both claims.

Question 1. Has Midas Green proven by a preponderance of the evidence that Rhodium literally, directly infringed the following asserted claims of U.S. Patent No. 10,405,405? (“Yes” is a finding for Midas Green. “No” is a finding for Rhodium.)

Claim 1:

- ☐ Yes, as to Temple only (*finding for Midas Green*)
- ☐ Yes, as to Rockdale only (*finding for Midas Green*)
- ☐ Yes, as to both Temple and Rockdale (*finding for Midas Green*)
- ☐ No (*finding for Rhodium*)

Claim 5:

- ☐ Yes, as to Temple only (*finding for Midas Green*)
- ☐ Yes, as to Rockdale only (*finding for Midas Green*)
- ☐ Yes, as to both Temple and Rockdale (*finding for Midas Green*)
- ☐ No (*finding for Rhodium*)

Please proceed to Question 2.

Question 2: Invalidity

Directions: In answering Question 2 below, please select one (1) option for each listed claim. You must answer as to both claims.

Question 2. Has Rhodium proven by clear and convincing evidence that the following claims of the '457 Patent are invalid? *(Please answer "yes" or "no" for each claim. "Yes" is a finding for Rhodium. "No" is a finding for Midas Green.)*

Claim 1:

- ☐ Yes *(finding for Rhodium)*
- ☐ No *(finding for Midas Green)*

Claim 5:

- ☐ Yes *(finding for Rhodium)*
- ☐ No *(finding for Midas Green)*

Please proceed to the next page.

If you have reached this point in the verdict form, you should have answered Questions 1 and 2. If you have not answered Question 1 and 2, please go back and answer them before proceeding.

If you answered “yes” as to any claim(s) in response to Question 1, and “no” as to the same claim(s) in response to Question 2, please proceed to answer Questions 3–5.

Otherwise, your deliberations are complete. Do not answer any further questions. Proceed to the last page, have your Jury Foreperson sign and date this Verdict Form, and deliver it to the Court Security Officer. You should not pay attention to any other instructions between this point and the signature page found at the end of this verdict form.

Questions 3 and 4: Damages

Directions: Please answer the question below. Answer on both lines. Your answers should be the same.

Question 3. What is the total dollar amount, if any, that you find adequately compensates Midas Green for Rhodium's infringement?

\$ _____

(amount in figures)

(amount in words)

Please proceed to Question 4.

Directions: Please answer the question below.

Question 4. Does the amount you award in Question 3 represent (1) lost profits or (2) a reasonable royalty?

☐ Lost Profits

☐ Reasonable Royalty

Please proceed to Question 5.

Question 5: Willfulness

Directions: In answering Question 5 below, please select one (1) option for each listed claim. You must answer as to both claims.

Question 5.

Has Midas Green proven by a preponderance of the evidence that Rhodium's infringement of each of the following claims, in connection with each of the following tank systems and facilities, as willful? *(Please answer "yes" or "no" for each claim, tank, and facility. "Yes" is a finding for Midas Green. "No" is a finding for Rhodium.)*

Claim 1:

☐ Yes *(finding for Midas Green)*

☐ No *(finding for Rhodium)*

Claim 5:

☐ Yes *(finding for Midas Green)*

☐ No *(finding for Rhodium)*

Final Page of the Jury Verdict

You have now reached the end of the Verdict Form and should review it to ensure that it accurately reflects your **unanimous** determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed this _____ date of _____, 2023

Jury Foreperson